

## UNITED STATES DISTRICT COURT

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DISTRICT OF MINNESOTA

Paul Hansmeier,

Petitioner,

v.

Michel LeJeune,

Respondent,

CLERK  
U.S. DISTRICT COURT  
MINNEAPOLIS MINNESOTA

Case No.: 22-cv-2590 (PJS/JFD)

RESPONSE TO THE COURT'S

NOVEMBER 30, 2022 ORDER TO  
SHOW CAUSE

Petitioner Paul Hansmeier respectfully submits this response to the Court's November 30, 2022 order to show cause. Dkt. 4. The order directs Hansmeier to: (1) explain why he believes that he need not use the BOP's administrative-remedy process before pursuing habeas relief here, and (2) include copies of whatever grievances or appeals he has filed as well as copies of any responses he has received. Dkt. 4 at 3.

I. Background.

In this habeas petition, Hansmeier alleges that the BOP (Bureau of Prisons) has failed to award him all of the First Step Act time credits (FTCs) he has earned. Throughout his career in the BOP, Hansmeier has been eligible to earn 15 FTCs/month and he has done everything required to earn the credits. Thus, Hansmeier should have received 15 FTCs/month since July 2019 to the present day. The BOP has not awarded Hansmeier this number of FTCs. Instead, the BOP disallowed Hansmeier from earning credits during a period of time when Hansmeier had not completed a survey that, in fact, was not administered

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to him. The BOP also disallowed Hansmeier from earning FTCs when Hansmeier was subject to administrative detention. The survey and administrative detention issues resulted in Hansmeier being shortchanged approximately 7 months' worth of FTC. This shortchanging would result in Hansmeier's "in prison"<sup>time</sup> being lengthened by this amount.

For the Court's information, the BOP recently published a memorandum in which it indicated that it may be addressing the issues giving rise to this 2241 petition. The memorandum indicates that these changes may be occurring as early as January 2023. If the BOP follows through and addresses the issues in Hansmeier's 2241 petition, then this matter will become moot.

## II. Discussion.

With the foregoing background in mind, Hansmeier turns to the Court's order to show cause.

A. Explain why Hansmeier believes that he need not use the BOP's administrative remedy process.

Hansmeier<sup>begin</sup> completing the administrative remedy process by obtaining a BP-8 from his counselor, completing it and handing it back. If the BP-8 is unsuccessful, then Hansmeier obtains a BP-9 from his counselor. If the BP-9 is unsuccessful, then Hansmeier obtains a BP-10 from his counselor. If the BP-10 is unsuccessful, then Hansmeier obtains a BP-11 from his counselor. Hansmeier attempted to use the BOP's administrative remedy process to address the FTC issue; Hansmeier sent his counselor an e-mail requesting a time to stop by to pick up a BP-8. His counselor responded, stating that he was awaiting information from his supervisor about how the institution was going to handle FTC issues. Hansmeier has still not heard back

about it. He is familiar with other inmates' circumstances. They have been told that the institution can't handle FTC issues locally.

Hansmeier's response to the Court's first point is that there is no "available" administrative remedy process at his institution regarding FTC issues. Now that Hansmeier has made this allegation, the burden shifts to the government to prove that there were administrative remedies "available" to Hansmeier.

B. Include copies of grievances or appeals as well as responses.

Hansmeier sent his Counselor<sup>an e-mail</sup> requesting a Form BP-8. He was not provided one. Hansmeier cannot obtain Forms BP-9-11 without receiving a BP-8 response.

### III. Conclusion.

Hansmeier suggests that the Court defer its ruling on the exhaustion issue and order Hansmeier to provide a status update on the mootness issue on or before February 15, 2023. Hansmeier's expectation is this matter will be met by then.

Dated: December 28, 2022

  
Paul Hansmeier

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